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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,209	09/29/2003	Shoji Iwasa	O11.2B-11333-US01	2521
490	7590	03/31/2006	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			MARCHESCHI, MICHAEL A	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,209

Applicant(s)

IWASA, SHOJI

Examiner

Michael A. Marcheschi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as obvious over Inoue et al. (672) in view of Sasaki for the same reasons set forth in the previous office action which are incorporated herein by reference.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as obvious over Sasaki in view of Inoue et al. (672) for the same reasons set forth in the previous office action which are incorporated herein by reference.

Applicant's arguments filed 3/17/06 have been fully considered but they are not persuasive.

Applicant argues that the references do not disclose the HEC and PEO for reducing haze. The use of the components are immaterial because they are still known to be used, irrespective of the function, the combination being obvious for the reasons defined in the previous office action which applicants have not persuasively argued for the reasons defined below. In addition applicant argues the use of the claimed composition but the intended use provides no patentable weight to a composition.

Applicant appear to argue that the composition of the present invention provides unexpected synergistic results with respect to the action of HEC and PEO. The examiner acknowledges the results defined in the examples and acknowledges that some synergism and

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unexpected results might exist over PEO and HEC alone, but only for compositions that contain HEC and PEO in specific amounts utilizing specific molecular weights and also contain a specific alkaline component in a specific amounts. This does not realistically show unexpected results for all of the possible combinations of HEC and PEO defined in the claims. The claims define a composition comprising a combination of PEO and HEC, wherein the PEO is present in a defined range (more than 0.005-less than 0.5% PEO) and has a defined molecular weight and the HEC is present in a defined range (0.01-3% HEC) and has a defined molecular weight. The claims also do not define the alkaline component and amount thereof. Although, from the examples, one can envision ranges of amounts and molecular weight for both the PEO and HEC, the ranges defined in the examples for these components are much more narrow than those claimed and said examples also include other specifics (alkaline component), thus the results are not commensurate in scope with the claims. In addition, as can be seen from the references, the total amount of the water soluble polymer is defined and said amount being entirely within the claimed ranges when the ranges for the individually claimed components are totaled. As clearly defined above, the claimed specific combination of the individual components is obvious and thus the individual amounts are also obvious in view of the total amounts of water soluble polymer defined by the references.

It appears that the only arguments based on the combination, as applied in the rejection, is that:

(1) both references are not concerned with haze reduction. This has been addressed above.

(2) the unexpected results of the claimed invention. This also has been addressed above.

(3) that no motivation is apparent to uses a combination of HEC and PEO. This is not persuasive because the motivation is in **In re Kerkhoven 205 USPQ 1069**. In addition, at least one reference states that “at least one water soluble polymer is used”, thus making a combination apparent as clearly defined in the previous office action.

(4) that Sasaki refers to copolymers when defining the hydroxypropyl cellulose. The examiner disagrees being claim 1, specifically refers to hydroxypropyl cellulose not as copolymer but by itself. The examiner has clearly stated why the substitution of HEC for hydroxypropyl cellulose is obvious (in this reference) to the skilled artisan and applicants have not clearly argued this point. This being obvious, this reference, from claim 1, suggests a composition containing both HEC and PEO.

(5) that GGG, PAAM and SPH, which can be the water soluble polymers according to Sasaki, are shown to be ineffective for reducing haze. The examiner acknowledges the results, however, the results use specific amounts for these individual components, thus these results are also not showing criticality for the claimed broad amounts (i.e. not commensurate in scope with the claims) and a single amount is not sufficient to establish criticality of the claimed ranges.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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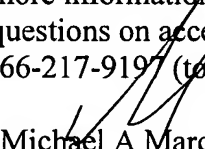
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Marcheschi whose telephone number is (571) 272-1374. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/06
MM


Michael A Marcheschi
Primary Examiner
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